

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	
	)	
Joseph C. CAUTHEN III	)	Group Art Unit: 3738
	)	
Application No.: 10/085,040	)	Examiner: David J. Isabella
	)	
Filed: March 24, 2003	)	Confirmation No.: 8078
	)	
For: INTERVERTEBRAL DISC	)	
ANNULUS STENT	)	

Mail Stop 16  
Director of the U.S. Patent and Trademark office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**

On September 26, 2006, Applicant filed a response to a final Office Action dated July 6, 2006.

Applicant waited six full months to hear from the U.S. Patent and Trademark Office ("USPTO"). Applicant's representative made phone calls to the USPTO in an effort to determine the status of the application before the expiration of the 6-month statutory period for response.

Out of an abundance of caution, applicants filed a Notice of Appeal and a Petition for Extension of Time on January 8, 2007 (January 6 being a Saturday). On March 6, 2007, the USPTO issued a Non-Final Office Action.

Applicants now request a refund of the \$760.00 paid for the unnecessary Notice of Appeal and Petition for Extension of Time. These fees were charged to Deposit Account 06-0916.

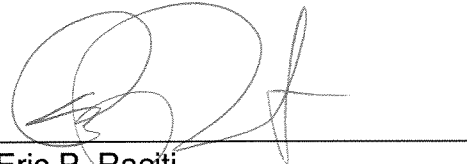
Please refund the amount of \$760.00 to the undersigned firm of attorneys and indicate on the check our case reference "08442.0002-04000"

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Date: May 1, 2007

By:

A handwritten signature in black ink, appearing to be "ERACITI", written over a horizontal line.

Eric P. Raciti  
Reg. No. 41,475